

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte SILVIO E. BOU-GHAZALE,  
CUONG M. LE,  
MICHAEL S. JONES, and  
TIMOTHY J. FISHER

Application No. 09/789,196



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On October 12, 2005, the examiner filed a Supplemental Examiner's Answer, which is permitted by 37 CFR § 41.43. However, the examiner must follow the guidelines set forth in training material entitled "Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule," located at the following URL:  
[www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html](http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html)

The requirement for a Supplemental Examiner's Answer is approval by a Technology Center Director or designee.

To correct this problem, the examiner will need to vacate the Supplemental Examiner's Answer dated October 12, 2005, and file a new Supplemental Examiner's Answer with the Technology Center Director's approval.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) vacate the Supplemental Examiner's Answer dated October 3, 2005;
- (2) submit a new Supplemental Examiner's Answer with the Technology Center Director's approval;
- (3) have the approved Supplemental Examiner's Answer scanned into the record;
- (4) mail a copy of the approved Supplemental Examiner's Answer to appellants; and
- (5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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